

In re Patent Application of

Atty Dkt. 117-320

C# M#

CHATFIELD

TC/A.U.

1645

Serial No. 09/646,925

Examiner: V.L. Ford

Filed: January 31, 2001

Date: January 30, 2004

Title: BACTERIA ATTENUATED BY A NON-REVERTING MUTATION IN EACH OF THE AROC, OMPF AND OMPC GENES, USEFUL AS VACCINES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE TO COMPLY

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: **COPY OF NOTICE TO COMPLY** 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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GRT:ap

NIXON & VANDERHYE P.C.
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CHATFIELD

Appln. No. 09/646,925

Filed: January 31, 2001

Confirmation No.: 2850

Atty. Ref.: 117-320

Group Art Unit: 1645

Examiner: V.L. Ford

FOR: BACTERIA ATTENUATED BY A NON-REVERTING MUTATION IN EACH OF
THE *aroC*, *ompF* AND *ompC* GENES, USEFUL AS VACCINES

* * *

RESPONSE TO NOTICE TO COMPLY

January 30, 2004

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply mailed January 8, 2004 (copy enclosed), Applicant submits that this application complies with the Sequence Rules 37 CFR 1.821 et seq. Paper and computer readable forms of the Sequence Listing were filed on August 16, 2001; the required statement was made in the concurrently filed Response by Mary J. Wilson. It already includes the sequences on page 26.

Reconsideration and allowance are respectfully requested.

Claims 1, 5-12 and 16-17 are pending. In response to the Examiner's restriction requirement, Applicant elected Group I and the elected claims 1, 5-11 and 17 were indicated as allowed in the Office Action (Paper No. 19). The Action is incorrect, however, because it does not indicate that non-elected claims 12 and 16 were withdrawn from consideration by the Examiner. These claims have not been canceled and Applicant previously requested their rejoinder because they shared the same inventive concept (see Amendment filed May 12, 2003). The restriction requirement was timely traversed (see Response filed September 30, 2002).

Therefore, rejoinder is again requested so that claims 12 and 16 may now be examined and then issued in the same patent as allowed claims 1, 5-11 and 16.

Finally, Applicant requests return of an initialed copy of the Form PTO-1449 filed December 4, 2000 as part of an Information Disclosure Statement. Another copy is attached for the Examiner's convenience.

Having fully responded to the Examiner's requirement, Applicant submits that the pending claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

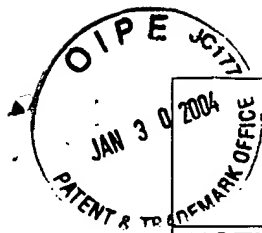
Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: 

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Notice to Comply

Application No.
09/646, 925

Applicant(s)
Chatfield, Steven Neville

Examiner
Vanessa L. Ford

Art Unit
1645

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _

Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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